Deposit for ... Closed file

BOOK 9258 PAGE 636

21078

IDENTIFICATION REFERENCE

STATE OF TENNESSEE
DAVIDSON COUNTY
RECORDER

91 FEB 25 AM 8:39

LAST WILL AND TESTAMENT
OF
MATTHEW E. STAED

I, MATTHEW E. STAED, of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make and publish this as my Last Will and Testament. I do hereby revoke any and all wills by me heretofore made.

ITEM I: I direct that my Executors shall pay all of my legally enforcible debts, including expenses of my last illness and funeral expenses, as soon after my death as they deem practicable. I direct that all estate, inheritance and succession taxes be paid out of, and charged against, my general estate.

ITEM II: I give and devise the sum of One Thousand Two Hundred Fifty Dollars ($1,250.00) to the Abbott of Conception Abbay, Conception, Missouri, for saying, or having said, Masses for the repose of my soul.

ITEM III: I give and devise the sum of Five Thousand Dollars ($5,000.00) to our faithful and trusted family employee, Agnes J. Owens.

ITEM IV: I give and devise to my wife, Caroline W. Staed, all the tangible personal property which I own at the time

Matthew E Staed

2176 02/25 0101 03CHECK 52.00

on my death. This does not include the furniture and furnishings located in our home since these already belong to my said wife.

ITEM V: I give and devise to my daughter, Mary Jane Smith, the sum of Two Hundred Thousand Dollars ($200,000.00).

ITEM VI: I give and devise the same sum, $200,000.00, to my son John J. Staed.

ITEM VII: I give and devise to the Dominion Trust Company in Nashville, Tennessee the sum of Two Hundred Thousand Dollars ($200,000.00), in trust for the use and benefit of my son, Stephen M. Staed.

My said Trustee shall pay to my said son the sum of Twenty-five Hundred Dollars ($2,500.00) per month from the net income and/or corpus until the exhaustion of said trust fund.

In the event of the death of my said son, Stephen M. Staed, before the exhaustion of the trust corpus, any remainder, income and corpus, shall be held for the use and benefit of my grandchildren, Stephanie M. Staed and Bridgett E. Staed, and any other children of my said son, natural or adopted. The authority and actions of said Trustee shall be that authorized in ITEM VIII hereof.

ITEM VIII: All the rest and residue of my estate, of every kind and character, I give and devise to the Dominion Trust Company in Nashville, Tennessee and Caroline W. Staed, but

Matthew E. Staed

in trust to be held, invested and paid out as hereinafter set out.

My said Trustees shall pay the net income from said trust estate to my said wife, Caroline W. Staed, in mutually satisfactory periodical installments, but no less than annually, for and during her natural life. During the continuation of this trust, I expressly authorize my said Trustees to encroach on the corpus thereof whenever, in their sole discretion, such may be necessary to provide the maintenance, support and comfort for my said wife, which she now enjoys and to which she is accustomed.

I further authorize my said Trustees to encroach on the corpus whenever my said wife shall request same for the purpose of making gifts to our children and grandchildren or charitable gifts.

Upon the death of my said wife, my Trustees shall pay over the corpus of said trust estate to such person or persons in trust, or otherwise, as she may appoint by her Last Will and Testament; and in the default of such appointment, or insofar as my said wife shall not appoint all of said corpus, then to the following individuals: One-third to my daughter, Mary Jane Smith; one-third to my son, John J. Staed; and one-third to be retained by my said Trustees for the use and benefit of my son, Stephen M. Staed, and his children, Stephanie M. Staed and Bridgett E. Staed, and any other of his children, natural or adopted, then living.

If, at that time, my Trustees retain any assets in the trust provided in Item VII hereof, they shall transfer said funds to themselves, as Trustees hereunder, and their actions shall be

Matthew E. Staed

controlled by the provisions of Item VIII rather those in Item V hereof.

They shall pay to my son, Stephen M. Staed, the net income on a monthly basis, but no less than Four Thousand Dollars ($4,000.00) per month, for and during his natural life. They shall likewise pay all necessary sums, as they, in their sole discretion find necessary for the support, maintenance and education of my granddaughters, Stephanie M. Staed and Bridgett L. Staed, and any other surviving children of my son, Stephen M. Staed, natural or adopted.

Upon the death of my said son, Stephen M. Staed, and if all of his children shall have attained the age of thirty, my said Trustees shall pay to each beneficiary her pro rata share of the corpus, and this trust shall then terminate.

In the event one or more beneficiaries are under the age of twenty-five, my said Trustee shall retain such share or shares, paying to such beneficiary only the net income until the age of twenty-five is attained, at which time my Trustees shall pay over to said beneficiary one-half of the corpus of her share. For the next five years, said beneficiary shall receive net income only. At the end of said period, the remaining corpus shall be transferred and delivered to said beneficiary, and the trust terminated as to her.

During the continuation of this trust, I expressly authorize my Trustees to encroach on the corpus of the trust for said beneficiaries, but only if my said Trustees, in their sole discretion, find it to be in their best interest.

Matthew E Staed

During the life of this trust, my said Trustees may retain, invest and reinvest the whole or any part of the income or principal, or accumulated income in such investments, securities or property as the Trustees deem prudent, without restrictions to legal investments for trustees, and without diversification, and from time to time may pay or expend the whole or any part thereof in the manner hereinabove provided. Said Trustees are expressly authorized to invest trust assets in the collective investment funds of Dominion Trust Company.

I expressly authorize my Trustees to diversify the assets of my estate since at this time they are principally invested in one security.

The interests of the beneficiaries of the trust herein created shall not be subject or lible in any manner to or for their or any of their anticipations, assignments, pledges, debts, contracts, engagements, or liabilities, or subject or liable to attachment or seizure, execution or sequestration, under any legal, equitable or other process, or subject to the marital rights of the spouse of any beneficiary.

In addition to the hereinabove enumerated powers given my said Trustees, I also authorize them to exercise any and all the powers contained in Tennessee Code Annotated §35-50-110 to the extent applicable, all of which provisions and powers are incorporated herein by reference and just as if copied herein verbatim.

If, during the continuation of this trust, my said wife shall determine that it is in the best interest of said trust estate that a substitute trustee in the place of Dominion Trust

Matthew & Bell

Company be appointed, I authorize and empower her to so do by an instrument in writing, to be recorded in the Register's Office for Davidson County, Tennessee, but said substitute Testamentry Trustee shall be a banking institution whose combined capital and surplus shall be not less than ten million dollars. Any such substitute Testamentary Trustee appointed pursuant hereto shall have all the rights, powers and authority herein granted my said Trustees.

ITEM IX: Should my said wife and I die in a common disaster, and under such circumstances as renders it impossible to determine which of us survived the other, I direct that it be presumed that my said wife survived me for the purposes of the administration and disposition of my estate.

ITEM X: Should my said wife predecese me, then, and in that event, I give and devise my entire residuary estate as follows:

One-third to my daughter, Mary Jane Smith;

One-third to my son, John J. Staed; and,

One-third to Dominion Trust Company, but in trust for the use and benefit of my son, Stephen M. Staed, my granddaughters, Stephanie M. Staed and Bridgett E. Staed, and such other children of my son, Stephen M. Staed, as may then be living, under the terms and conditions provided in Item VIII hereof.

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN
THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

Matthew E. Staed

ITEM XI: I nominate and appoint my wife, Caroline W. Staed, my daughter, Mary Jane Smith, and Dominion Trust Company in Nashville, Tennessee as Coexecutors of this my Last Will and Testament, and expressly excuse each of them from giving surety on their respective bond. I likewise excuse my Co-trustees from giving surety on their respective bonds.

All the fiduciary powers herein given to my Trustees shall likewise vest in my Coexecutors.

IN WITNESS WHEREOF, I have hereunto set my hand at Nashville, Tennessee, this 27 day of March, 1990.

Matthew E. Staed

Signed by the said MATTHEW E. STAED as amd for his Last Will and Testament, in the presence of us, the undersigned, who, at his request, and in his sight and presence, and in the presence of each other, have hereunto affixed our signatures as attesting witnesses on the day and date last above written.

Jessica J. Carter

Sally L. Ivey

COUNTY COURT SEAL DAVIDSON COUNTY TENNESSEE

AFFIDAVIT

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Before me, a Notary Public, duly appointed, commissioned and qualified in and for the State and County aforesaid, personally appeared the undersigned, JAMINA T. CARDER and SALLY R. TWEEL, whose names are subscribed to the instrument to which this Affidavit is attached, and, after being duly sworn, declared to me that, in their sight and presence, MATTHEW E. STAED signed, declared and published said instrument to which this Affidavit is affixed as the Last Will and Testament of Testator executed on the 27th day of March, 1990; and requested them to act as witnesses to its execution and to execute this Affidavit; that in the Testator's sight and presence and in the sight and presence of each other, each affiant signed the instrument as witness; and that the Testator was at that time of sound mind and disposing memory, was fully capable of making a Will and under no duress, compulsion or constraint.

Jamina T. Carder

Sally R. Tweel

AFFIANTS

Sworn to and subscribed before me,
this 27th day of March, 1990.

Notary Public

My commission expires: May 22, 1993

I, Richard R. Rooker, Clerk of the Courts in Davidson County, State aforesaid, do hereby certify the foregoing is a full, true and correct copy of the probation on file in my office. Will Book 1, page 189
Given under my hand and official seal at office, in Nashville, this 11th day of April, 1990.

RICHARD R. ROOKER, CLERK

By Mary Jackson
Deputy Clerk